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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                           |   |                   |
|-------------------------------------------|---|-------------------|
| -----X                                    |   |                   |
| RICARDO VELASQUEZ,                        | : |                   |
|                                           | : |                   |
| Plaintiff,                                | : |                   |
|                                           | : | 24-CV-03276 (VEC) |
| -against-                                 | : |                   |
|                                           | : | <u>ORDER</u>      |
| KAIN BARBERSHOP INC, a New York           | : |                   |
| corporation, d/b/a KAIN'S BARBERSHOP, and | : |                   |
| 576 E. 187TH ST. BRONX LLC, a New York    | : |                   |
| limited liability company,                | : |                   |
|                                           | : |                   |
| Defendants.                               | : |                   |
| -----X                                    |   |                   |

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 27, 2024, Plaintiff filed a proposed Consent to Jurisdiction by a Magistrate Judge form signed by counsel for Plaintiff and Counsel for Defendant 576 E. 187th St. Bronx LLC, Dkt. 21;

WHEREAS Defendant Kain Barbershop Inc has not appeared in the case and has not consented to jurisdiction by a magistrate judge;

WHEREAS “[t]he Second Circuit has not addressed whether referral to a magistrate judge for all purposes is appropriate where, as here, all parties that have appeared — but not all named parties — have consented to the jurisdiction of a magistrate judge for all purposes,” *Ideavillage Prod. Corp. v. Antiker*, No. 1:20-CV-04681-MKV, 2021 WL 1987382, at \*1 (S.D.N.Y. May 17, 2021);

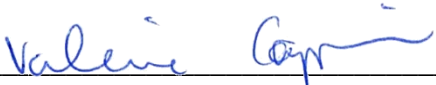
WHEREAS a magistrate judge cannot enter default judgment against a party absent the defaulting party’s consent to jurisdiction of the magistrate judge to enter final judgment, *id.* at \*2; and

WHEREAS on August 26, 2024, the Court referred the parties to the Court-annexed mediation program;

IT IS HEREBY ORDERED that, because a defaulting named party has not consented to magistrate judge jurisdiction, the Court will defer referring the parties to the magistrate judge for all proceedings and entry of a final judgment pending (1) the parties' completion of mediation and (2) Plaintiff's decision to move for default judgment against Defendant Kain Barbershop Inc., dismiss the claims against it, or take some other action.

**SO ORDERED.**

**Date: September 11, 2024**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**